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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERALD DOUGLAS, Individually and On)	Case No. 3:16-cv-00921-WHO
Behalf of All Others Similarly Situated,)	
)	STIPULATION AND
Plaintiff,)	ORDER FOR THE ADJOURNMENT
)	OF THE INITIAL CASE
v.)	MANAGEMENT CONFERENCE
)	
)	Judge: Honorable William H. Orrick
FRANK WITNEY, NELSON CHAN, GARY)	
GUTHART, JAMI NACHTSHEIM,)	
RICCARDO PIGLIUCCI, MERILEE RAINES,)	
ROBERT TRICE, and AFFYMETRIX, INC.)	
)	
Defendants.)	

1 IT IS HEREBY STIPULATED by and between PLAINTIFF GERALD DOUGLAS
2 (“Plaintiff”) and DEFENDANTS FRANK WITNEY, NELSON CHAN, GARY GUTHART,
3 JAMI NACHTSHEIM, RICCARDO PIGLIUCCI, MERILEE RAINES, ROBERT TRICE
4 (collectively, the “Individual Defendants”), and AFFYMETRIX, INC. (collectively, the
5 “Defendants”), (Plaintiff and Defendants are to be collectively referred to as the “Parties”), by
6 and through their attorneys of record, that good cause exists for the Court to accept the following
7 proposed schedule based on the following:

8 WHEREAS, on February 24, 2016, Plaintiff filed a Class Action Complaint captioned
9 *Douglas v. Witney, et al.*, Case No. 16-cv-921-WHO (the “Complaint”) in the United States
10 District Court, Northern District of California for violations of Section 14(a) and 20(a) of the
11 Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §§ 78n(a), 78t(a), and SEC
12 Rule 14a-9, 17 C.F.R. 240.14a-9, and breaches of fiduciary duties in connection with the
13 proposed merger between Affymetrix, Inc. and Thermo Fisher Scientific Inc.;

14 WHEREAS, the Initial Case Management Conference in this matter is set for May 17,
15 2016;

16 WHEREAS, Defendants’ Answers to the Complaint are due on May 31, 2016;

17 WHEREAS, the Parties have reached a preliminary settlement agreement in the above-
18 referenced matter and are currently conducting confirmatory discovery.

19 WHEREAS, the Parties desire the adjournment of the deadline for any response to the
20 Complaint until after the conclusion of confirmatory discovery;

21 WHEREAS, the Parties desire the adjournment of the Initial Case Management
22 Conference until after the conclusion of confirmatory discovery;

23 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE
24 PARTIES HERETO, THROUGH THEIR COUNSEL OF RECORD, AND SUBJECT TO
25 APPROVAL OF THE COURT, AS FOLLOWS:

1 1. The Initial Case Management Conference shall be adjourned to a date to be
2 determined by the Court; and

3 2. Defendants' deadline to answer, move to dismiss, or otherwise respond to the
4 Complaint shall be adjourned indefinitely, with the parties to confer on a new deadline in the
5 event that the settlement is not consummated.

6 Stipulated by and between the following:

7 DATED: May 2, 2016

FARUQI & FARUQI, LLP

8 By: /s/ Barbara A. Rohr

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Counsel for Plaintiff

15 DATED: May 2, 2016

DAVIS POLK & WARDWELL, LLP

17 By: /s/ Neal A. Potischman

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26 *Counsel for Defendants Affymetrix, Inc., Frank
27 Witney, Nelson Chan, Gary Guthart, Jami
28 Nachtsheim, Riccardo Pigliucci, Merilee
Raines, and Robert Trice*

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. The Initial Case Management Conference will be adjourned until
July 19 _____, 2016.
2. Defendants' deadline to answer, move to dismiss, or otherwise respond to the
Complaint shall be adjourned indefinitely, with the parties to confer on a new
deadline in the event that the settlement is not consummated.

DATED: May 4, 2016 _____



Honorable William H. Orrick
United States District Judge